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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/020,404	12/14/2001	Thomas M. Lancy	83682AEK	8712

7590 06/23/2005

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EXAMINER

PATTERSON, MARC A

ART UNIT PAPER NUMBER

1772

DATE MAILED: 06/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/020,404

Applicant(s)

LANEY ET AL.

Examiner

Marc A Patterson

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/25/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20,22-31 and 35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20,22-31 and 35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### **REPEATED REJECTIONS**

1. The 35 U.S.C. 103(a) rejection of Claims 1 – 20, 22 – 31 and 35 as being unpatentable over Allen et al (U.S. Patent No. 6,057,961), of record on page 2 of the previous Action, is repeated.

### **ANSWERS TO APPLICANT'S ARGUMENTS**

2. Applicant's arguments regarding the 35 U.S.C. 103(a) rejection of Claims 1 – 20, 22 – 31 and 35 as being unpatentable over Allen et al (U.S. Patent No. 6,057,961), of record in the previous Action, have been carefully considered but have not been found to be persuasive for the reasons set forth below.

Applicant argues, on page 7 of the remarks dated February 10, 2005, that Allen et al state that the sheets disclosed comprise a substantially equal number of scatterers and therefore does not teach a frequency variation of scatterers.

However, the statement by Allen et al, which begins 'if the two sheets present a substantially equal number of scatterers,' clearly discloses that the sheets have an equal or unequal number of scatterers.

Applicant also argues on page 7 that Allen et al do not disclose voids having a circular cross section.

However, as stated on page 5 of the previous Action, the voids are formed by a disperse phrase which is spherical (column 14, lines 14 – 17).

Applicant also argues on page 7 that diffuse transmission is different from the quantity of transmission efficiency, and is not disclosed by Allen et al.

However, Allen et al disclose the variation of physical properties such as thickness to affect transmission properties (column 6, lines 56 – 61), and therefore to affect diffuse transmission.

Applicant also argues, on page 8, that Allen et al do not disclose a void frequency variation between two layers.

However, as stated above, Allen et al discloses that the sheets interchangeably have an equal or unequal number of scatterers.

Applicant also argues on page 9 that the previous Action assumes that void volume can be used to specify a frequency of voids.

However, it is unclear where the previous Action assumes that void volume can be used to specify a frequency of voids.

Applicant also argues on page 9 that Allen et al does not teach how to vary physical parameters of the film to obtain desired transmission properties.

However, as stated on page 2 of the previous Action, Allen et al teaches that a variation in the parameters causes a variation in transmission properties, and it is therefore not necessary for Allen et al to disclose a method of varying the parameters.

Applicant also argues, on page 11 that the particle size of Allen et al is insufficient to specify the volume of the particle and that one of ordinary skill in the art would not have arrived at the claimed particle size because it is 13 times larger than that of Allen et al.

However, the particles disclosed by Allen et al are spherical, as stated on page 5 of the previous Action, and the particle is therefore sufficient to specify volume, and it is unclear why one of ordinary skill in the art would be prevented from arriving at the

Art Unit: 1772

claimed particle size because of the difference because of the claimed particle size and that of Allen et al.

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marc A Patterson whose telephone number is 571-272-1497. The examiner can normally be reached on Mon - Fri 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571-272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Marc A. Patterson*

Marc A. Patterson, PhD.  
Examiner  
Art Unit 1772

*Harold Pyon*  
HAROLD PYON  
SUPERVISORY PATENT EXAMINER  
1772

6/21/05